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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

MIGUEL CALZADA, an individual,
on behalf of himself and others
similarly situated,

Plaintiff,

vs.

TIME WARNER CABLE LLC, A
Delaware corporation and DOES 1
through 100, Inclusive,

Defendants.

Case No.: 2:11-CV-01701-DMG
(JCGx)

Honorable Dolly M. Gee
Courtroom: 7

**PLAINTIFF'S COMPENDIUM OF
DECLARATIONS IN SUPPORT OF
MOTION AND MOTION FOR
CLASS CERTIFICATION**

[Filed Concurrently with:

1. Motion for Class Certification;
2. [Proposed] Order; and,
3. Cited Portions of PMK
Deposition Testimony]

Hearing Date: January 6, 2012
Time of Hearing: 2:00 p.m.
Courtroom: 7

Removed on: February 25, 2011
Trial Date: None set

ARIAS OZZELLO & GIGNAC LLP

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff submits the following declarations in support of Plaintiff's motion for class certification:

Exhibit 1: Declaration of Miguel Calzada

Exhibit 2: Declaration of Martin Prunty

Exhibit 3: Declaration of Mark A. Ozzello

Exhibit 4: Declaration of David R. Greifinger

Exhibit 5: Declaration of Howard A. Goldstein

Dated: November 18, 2011

ARIAS OZZELLO & GIGNAC LLP

By: */s/ Mark A. Ozzello*

MIKE ARIAS
MARK A. OZZELLO

David R. Greifinger
LAW OFFICES OF DAVID R.
GREIFINGER

Howard A. Goldstein
LAW OFFICES OF HOWARD A.
GOLDSTEIN

Attorneys for Plaintiffs

EXHIBIT “1”

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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION**
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13 MIGUEL CALZADA,

14 Plaintiff,

15 v.

16 TIME WARNER CABLE LLC, and DOES 1
through 100, Inclusive,

17 Defendants.
18
19

CASE NO. 2:11-cv-01701-DMG-JCG

**DECLARATION OF MIGUEL CALZADA
IN SUPPORT OF MOTION FOR CLASS
CERTIFICATION**

Hearing Date: January 6, 2012

Time of Hearing:

Courtroom: 7

20
21 **DECLARATION OF MIGUEL CALZADA**

22 I, Migual Calzada, state and declare as follows:

23 1. I am over the age of 18, and I am a resident of Van Nuys, California. I have
24 personal knowledge of the matters stated herein except as to those matters stated upon
25 information or belief and, as to those matters, I believe them to be true. If called as a witness I
26 could and would testify truthfully and competently to the matters stated herein.

27 2. I submit this declaration in support of the Motion for Class Certification,
28 Appointment of Class Representatives, and Appointment of Class Counsel filed on behalf of

DECLARATION OF MIGUEL CALZADA IN SUPPORT OF MOTION FOR CLASS
CERTIFICATION

1 Plaintiffs in this action.

2 3. I am the named Class Plaintiff in this action. I seek to be certified by the Court as
3 representative of the Class referenced in Paragraph 10 of the Complaint, as amended, and
4 defined in the Motion for Class Certification as:

5 "All California residents whose telephone calls to or from Time Warner Cable were
6 recorded by Time Warner without their being notified that their calls were being recorded
7 from January 27, 2010 to the present."

8 4. I understand that, as a representative of the Class, I have a fiduciary obligation to
9 act at all times in the best interests of the Class. I have reviewed the meaning of fiduciary
10 obligation with my attorneys. I understand that I cannot put my own interests ahead of the Class.

11 5. I have not previously been a class representative in any matter.

12 6. I have not been promised, and do not expect to receive any compensation for
13 acting as a representative of the Class, other than my proportionate share of any recovery
14 obtained for the benefit of the Class in this action.

15 7. I have met with my attorneys regarding the facts of this case. I have reviewed the
16 facts of this case related to the status of this case as a class action with my attorneys. I am not
17 aware of any material factual differences between my status as a member of the Class and the
18 status of any other member of the Class.

19 8. I have reviewed the legal and factual issues of my case with my attorneys. I am
20 not aware of any unique legal and/or factual issues that must be litigated on my behalf in this
21 class action in order to establish the liability of defendants in this action.

22 9. I have reviewed any potential conflicts of interest that might exist with respect to
23 my acting as a representative of the Class with my attorneys. I understand the concept of conflict
24 of interest. I understand that a conflict of interest would exist if I sought to derive personal
25 benefit from this litigation and ignored the interests of the Class. I understand that a conflict of
26 interest would also exist if I were to concede the rights of Class members for my own personal
27 benefit. I also understand that a conflict of interest would exist if I had a conflict with any other
28 Class member that would prevent me from representing him or her effectively. To my

1 knowledge, there are no conflicts that exist between my interests in this action and the interests
2 of the other members of the Class that would impair my ability to serve as a representative of the
3 Class in this action.

4 10. I read the initial complaint in this action and reviewed it with my attorneys. I
5 have read the first amended complaint and the applicable statutes in this case and have reviewed
6 them with my attorneys. I have reviewed with my attorneys the statutory and privacy rights I
7 seek to enforce on behalf of the Class.

8 11. I intend to vigorously pursue all claims that have been asserted in the lawsuit on
9 behalf of all similarly situated persons and intend to take an active role in this litigation as
10 counsel and I determine is appropriate. I understand that acting as the Class representative
11 entails a substantial time commitment for both discovery and trial, and that a trial can potentially
12 last several weeks. I am ready, willing, and able to commit all of the time necessary, including
13 responding to all discovery and attending the entire trial, to fully and adequately represent the
14 interests of the Class.

15 12. I also ask this Court to appoint the law firm of Arias Ozzello and Gignac LLP,
16 Howard Goldstein, Esq., David Greifinger, Esq., and Kenneth Lipton, Esq. as counsel for the
17 Class.

18 13. On May 27, 2009, I lived with my brother, Jaime Calzada, who had Time Warner
19 Cable television service in his home. My brother and I shared the costs of the Time Warner
20 service.

21 14. On May 27, 2009, I called Time Warner Cable at (888) 892-2253 from my
22 brother's telephone number, (818) 939-1100.

23 15. I found the Time Warner Cable telephone number through the Internet by
24 inputting my zip code.

25 16. I called on behalf of my brother regarding a billing issue.

26 17. After I pressed a series of prompts for billing, an operator for Time Warner Cable
27 came on the line right away. I did not receive any prerecorded message that my call might be
28 recorded.

1 18. During, and in the context of my conversation with the customer service
2 representative regarding the billing issue, the customer service representative told me that this
3 particular call was being recorded, and that a previous related call was recorded.

4 19. On February 6, 2010, I was living with my girlfriend, Janice Wells-Lipton in
5 Sherman Oaks, California, in an apartment leased under both our names. We had Time Warner
6 Cable television service under Ms. Wells-Lipton's name.

7 20. On February 6, 2010, I called Time Warner Cable to order pay-per-view for UFC
8 #109 on Janice Wells-Lipton's account. I called (866) 892-2253 from either (818) 968-4268 or
9 (818) 625-8314. Ms. Wells-Lipton was standing next to me during the call. I followed a series
10 of prompts. I was put on hold due to high call volume, and heard Time Warner Cable
11 advertisements while waiting for a customer service representative. I then ordered the pay-per-
12 view event after resolving a billing issue that had prevented me from ordering the event by using
13 my remote control.

14 21. At no time during the February 6, 2010 call did Time Warner Cable inform me,
15 either by recorded message, or in person, that my call would be, or might be recorded.

16 22. I intended and understood that my February 6, 2010 telephone call with the Time
17 Warner Cable call center would be confidential.

18 I declare under penalty of perjury, under the laws of the State of California and the
19 United States of America, that the foregoing is true and correct.

20 Executed this 17th day of November 2011, at Los Angeles, California.

21
22
23 By: 
24 Miguel Calzada, Declarant
25
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EXHIBIT “2”

1 Mark A. Ozzello, Esq. (CSB # 116595)
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10 **UNITED STATES DISTRICT COURT**
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13 MIGUEL CALZADA,

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16 TIME WARNER CABLE LLC, and DOES 1
through 100, Inclusive,

17 Defendants.
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CASE NO. 2:11-cv-01701-DMG-JCG

**DECLARATION OF MARTIN PRUNTY
IN SUPPORT OF MOTION FOR CLASS
CERTIFICATION**

**Hearing Date: January 6, 2012
Time of Hearing: 2:00 p.m.
Courtroom: 7**

21 **DECLARATION OF MARTIN PRUNTY**

22 I, Martin Prunty, declare as follows:

23 1. I have personal knowledge of the matters stated herein. If called as a witness, I
24 could and would testify truthfully and competently thereto under oath.

25 2. I submit this declaration in support of the Motion for Preliminary Class
26 Certification and Approval of Settlement filed on behalf of Plaintiffs in this action. I declare
27 under penalty of perjury, under the laws of the United States of America and the State of
28

**DECLARATION OF MARTIN PRUNTY IN SUPPORT OF MOTION FOR CLASS
CERTIFICATION**

1 California, that the foregoing is true and correct.

2 3. Plaintiff has retained me as an expert witness in this action. A true and correct copy
3 of my curriculum vitae is attached to this declaration as Exhibit "A."

4 4. I am a highly respected consultant, expert witness, thought leader, and speaker in
5 the field of expertise contact center management and technology. This area includes the
6 technology and operations of automated telephone-call answering systems.

7 5. For over 20 years, I have worked in a variety of organizations across multiple
8 industries, providing the analysis and guidance required to improve the manner in which
9 customer sales, service, and support are delivered.

10 6. Since 2007, I have been the president of Contact Center Professionals, Inc. I was
11 the managing director of Contact Center Professionals, Inc. from 2001 to 2006. My duties
12 include providing strategic call center consulting services to clients in the financial services,
13 telecommunications, healthcare, and other industries. My previous employment is set forth in
14 my curriculum vitae.

15 7. I have consulted on numerous issues related to telephone call centers. My
16 curriculum vitae contains examples of my consulting history.

17 8. I have served as an expert witness for both plaintiffs and defense in civil suits and
18 class action cases for issues related to call centers, including call monitoring and recording. My
19 curriculum vitae contains a summary of my litigation support experience.

20 9. I have written several published articles about call center technology. My
21 curriculum vitae contains a list of my published articles.

22 10. I have been engaged as a speaker numerous times on the subject of call center
23 technology. My curriculum vitae contains a list of my speaking engagements.

24 11. I am a member of the Society of Telecommunications Consultants and served on its
25 Board of Directors from 1990 to 1992.

26 12. I have been honored by Call Center Magazine and was given the "Call Center
27 Pioneer Award" in 1999.

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1 13. I have reviewed the following documents in this action: Plaintiff's first amended
2 complaint; plaintiff's discovery responses; defendant's discovery responses; Sagi Shimonovitz
3 November 9, 2011 deposition transcript and exhibits; Verint ContactStore for Communication
4 Manager Release 7.8 Service Pack 1 Planning, Installation and Administration Guide Issue 6
5 October, 2008; and Avaya Communication Release 2.2 Call Center Software Call Vectoring
6 (EAS) Guide.

7 14. In his deposition, Sagi Shimonovitz, vice president of IT for Time Warner Cable
8 (TWC), dismissed the possibility that any callers to TWC within the state of California had been
9 recorded without having received a pre-recorded notification that their call would be recorded.
10 He further stated there were only two (2) ways a caller would not have received a pre-recorded
11 announcement. According to the witness, "...either they did not pay attention when the message
12 was playing or they never got to speak to an agent." (Shimonovitz Depo, p. 100:9-11.)

13 15. Mr. Shimonovitz also confirms that TWC does not have a specific process for
14 testing all incoming local or toll-free numbers to ensure that every caller receives a pre-recorded
15 announcement message notifying them in advance that their call will be recorded: "*No. The test
16 calls are not made to identify the message. The test calls – you asked me how would I know if
17 there's a message. If I call and make a test call, I would hear the message. The test calls are not
18 to hear the message. They are to evaluate routing.*" (Shimonovitz Depo, p. 69:6-11.)

19 16. During our subsequent review of TWC documents and contrary to the witness's
20 testimony, the plaintiff has identified specific evidence that clearly substantiates its position that
21 some or all California callers to TWC call centers within the state of California did not receive a
22 recorded announcement notifying them in advance that their call would be recorded.

23 17. According to the TWC documents [(document spreadsheet 1977, CR# 766 and #
24 771, found in tab "CM Data," rows 114 and 115); excerpt attached as Exhibit "B" to this
25 declaration], at least twenty-six (26) VDNs (vector directory numbers) were reported to be "out
26 of compliance" on September 24, 2010 because they did not provide callers with a pre-recorded
27 announcement indicating that calls would be recorded. A VDN is a programming term in Avaya
28

1 telephone systems. A unique VDN is assigned to each incoming local and/or toll-free number
2 answered by the system. Therefore, CR# 766 and 771 indicated that at least twenty-six (26)
3 local and/or toll-free numbers were receiving calls and were not providing callers with the
4 required warning announcement that the call was going to be recorded.

5 18. While TWC documents indicate that the problems identified in CR# 766 and 771
6 were eventually corrected on October 6, 2010, there is no indication of when the problem
7 originally occurred or what caused it. Therefore, it is very likely that the problem existed for a
8 much longer period than the thirteen (13) days that transpired from the time the problem was first
9 reported until it was resolved.

10 19. Plaintiff Miguel Calzada, for example, reports not receiving an announcement
11 message on May 27, 2009, and again on February 6, 2010, well before the date of the TWC CR
12 report.

13 20. According to testimony from Sagi Shimonovitz, the original installation of the
14 Avaya system occurred sometime in 2006. At that time, toll-free and local numbers were
15 programmed in the Avaya system. *"The numbers were set up around the time we introduced the*
16 *switch to point to them the switch. The numbers could have been there for ten years, but when*
17 *we set up the new switch they had to be set up with that switch. So probably around 2006 those*
18 *numbers were there."* (Shimonovitz Depo, p. 95:6-10.)

19 21. It is a distinct possibility that the VDNs listed in CR #766 and CR #771 were
20 never programmed to provide a pre-recorded message notifying callers that their call was being
21 recorded, beginning with the original installation of the Avaya system in 2006.

22 22. In the 13-day period alone between September 24, 2010 and October 6, 2010, for
23 the VDNs identified in CR# 766 and CR# 771 that were not able to provide callers with a pre-
24 recorded message, it is likely that literally tens of thousands of callers received no warning their
25 calls were being recorded.

26 23. There is reason to believe that other toll-free or local numbers used by TWC, in
27 addition to those listed in TWC documents (CR# 766 and CR# 771), may also omit (or may have
28

1 omitted) the required pre-recorded announcement. Since Mr. Shimonovitz was very adamant
2 that all callers received the pre-recorded announcement message (except if they weren't listening
3 or the system went down), and because there was no defined practice for testing all toll-free and
4 local numbers for the specific purpose of ensuring that callers received the pre-recorded
5 message, it is very likely that other local or toll-free numbers do not receive the required pre-
6 recorded announcement.

7 24. A method exists to identify the specific callers who have been answered by TWC
8 without having been notified in advance that their call would be recorded.

9 25. A unique VDN is associated with each specific local and/or toll-free number that
10 is answered by the Avaya system. CR# 766 and CR# 771 in spreadsheet 1977 lists every VDN
11 known to the defendant that did not provide callers with a notification that their call would be
12 recorded. This list can be easily cross-referenced to the specific local and/or toll-free numbers
13 used by callers who did not receive the recording using information readily available to the
14 defendant.

15 26. Each VDN is "pointed" to a vector, or set of programming instructions, found in
16 the Avaya system. Each vector includes a step-by-step set of instructions that indicates, amongst
17 other things, whether or not a recorded announcement is given to the caller and which call center
18 group (tech 1, tech 2, customer service, etc.) within TWC will actually answer the calls to that
19 specific telephone number. A check of all VDNs and vectors in the Avaya system will
20 determine whether other recorded messages are not provided to callers. Once again, this
21 information is readily available to the defendant.

22 27. The Verint ContactStore for Communications Manager (Verint system), used by
23 TWC to record calls, captures the VDN (vector directory number), date, time and calling number
24 (ANI, or automatic number identification) for each recorded call. Using the Verint system's
25 bulk search capabilities, a simple search on each of the VDN's listed in CR #766 and CR# 771
26 will identify:

- 27 • All calls impacted during the specified time period

- 1 • Only calls answered without receiving a recorded announcement
- 2 • All calls originating within the state of California

3 28. An excerpt from the Verint ContactStore for Communications Manager
4 Administrative Guide is attached to this declaration as Exhibit "C."

5 29. According to an internal TWC e-mail, it is the defendant's practice to routinely
6 record both incoming and outgoing calls.

7 30. Unlike incoming calls, where a properly-programmed and managed ACD
8 (automatic call distributor) system is able to provide every caller with a pre-recorded recording
9 notification to callers, there is typically no similar technology alternative that applies to placing
10 outbound calls. As a result, it is typically necessary for each actual employee who places the
11 call, or who is connected to the caller via an automated dialer, to provide such verbal notice as
12 soon as each connection to the caller is made.

13 31. The plaintiff's initial findings suggest that the defendant appears to lack sufficient
14 internal processes and controls necessary to maintain strict compliance with this important
15 notification requirement on incoming calls, where notification can be managed more easily. As
16 the plaintiff has clearly established, there is a significant gap between the defendant's assertion
17 that every caller receives a recording notification message and the actual reality.

18 32. Since the defendant places numerous outgoing calls each month, using its own
19 call centers and those of third-parties with whom it contracts, and that outbound calls must be
20 verbally-warned at the beginning of each call by each individual representing the defendant, it is
21 highly-likely that full compliance with the requirement to provide notice of recording does not
22 occur with this type of call either.

23 33. The defendant records all calls and these recordings are typically stored or
24 archived on a server. Since each outgoing call is recorded from the beginning to its end, each
25 recording file will either provide evidence that notice has been provided to the caller, or it won't.
26 In other words, by taking a sampling of outgoing call recordings, the plaintiff can easily
27 determine whether or not the defendant is in compliance with the requirement of providing
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1 notice of recording to the called party.

2 I declare under penalty of perjury under the laws of the United States of America and the
3 State of California that the foregoing declaration is true and correct.

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7 Executed this 16th day of November 2011, at Anthem, Arizona.

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Martin Prunty

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DECLARATION OF MARTIN PRUNTY IN SUPPORT OF MOTION FOR CLASS
CERTIFICATION

EXHIBIT “A”

Martin Prunty

Expertise

- Contact Center/Call Center Management
 - Contact Center/Call Center Outsourcing
 - Contact Center/Call Center Technology
 - Customer Relationship Management
 - Telecommunications
-

Professional Summary

Mr. Prunty is a highly respected consultant, expert witness, thought leader and speaker in the field of contact center management and technology. For over 20 years, he has worked in a variety of organizations across multiple industries, providing the analysis and guidance required to improve the manner in which customer sales, service and support are delivered.

Employment History

- From: 2001 **Contact Center Professionals, Inc.**
To: Present Anthem, AZ
Position: *2007-Present: Managing Director*
- Reestablished consulting practice specializing in contact center management and technology. Developed eLearning program for contact center managers and;
 - Provide strategic call center consulting services to clients in the financial services, telecommunications, healthcare and other industries.
- 2001-2006: Managing Director*
- Established consulting firm specializing in call centers, contact centers, teleservices, and customer relationship management.
 - Instrumental in establishing an off-shore call center outsourcing operation in Navi Mumbai, India
 - Provided strategic call center consulting services to clients in the financial services, telecommunications, healthcare and other industries.
- From: 02/2006 **IBM Global Business Services**
To: 08/2007
Position: *Associate Partner, Contact Center Practice Leader, SMB Mid-Market*
- Responsible for business development support and deployment

of contact center related projects.

- Authored white papers "Building the Right IP Contact Center Mindset" and "The Customer Focused Contact Center."

From: 2000 **ALLTEL Information Services Company**

To: 2001

Position: *Vice President, Product Marketing, Customer Management Solutions*

- Developed internal strategies for company product and market positioning.
- Created marketing and sales programs for multi-channel, front office (call center, teller, Internet Banking and sales), CRM (Customer Relationship Management) software developed for financial services industry (Service Delivery).
- Key team member in establishment of strategic alliances with major integration partner companies.
- Provided strategic sales support focused on high-level executive management decision-makers.
- Conducted focus groups with end-users to solicit and manage customer feedback.
- Spoke at numerous industry events and conferences in thought leadership roles.

From: 1997 **ALLTEL Information Services Company**

To: 2000

Position: *Vice President, Call Center Solutions*

- Established world-class international consulting organization of 30 consulting professionals focused on call centers and CRM for the financial services industry.
- Developed business plan, recruited and selected staff. Supported sales efforts and established consulting strategies.
- Developed key consulting and change management processes.
- Provided high-level oversight to consultant teams, established internal processes, and oversaw quality initiatives.
- Functioned as industry thought leader with high level speaking engagements and numerous industry publications.

From: 1985 **Independent Telecommunications and Call Center Consultancy**

To: 1997

Position: *President, Principal Consultant*

- Founded and developed successful consulting practice focused on telecommunications, call center technology/management and CRM.
- Developed and presented seminars on successful call center management and the future of call center technology.

- Consulted to numerous Fortune 500 companies in the telecommunications, financial services, healthcare and other industries.

From: 1983 **US West (now Century Link)**

To: 1985 AZ

Position: *General Manager*

- Established start-up, post-divestiture business engaged in the sale of business telephone systems in Arizona.
- Responsible for P&L, sales, engineering, installation and service.
- Recruited, hired and managed staff of 100 employees.

Consulting History Examples

From: 2003 **BrightHouse Networks, LLC**

To: 2003 Orlando, FL

Duties: Prunty was engaged to analyze the three (3) site, BrightHouse Networks call center facilities. The objective of the project was to identify means by which the client could improve its service level performance by reducing call volumes, improving efficiency and optimizing technologies.

From: 2002 **Northwestern Memorial Hospital**

To: 2003 Chicago, IL

Duties: Conducted a study and developed recommendations on the best ways to improve patient services by consolidating its 16 call centers. The study included analysis of the current environment, development of staffing models and creation of all possible scenarios for establishing the most efficient and cost-effective call center operation providing a higher level of service for patients.

From: 2005 **Megapath Networks**

To: 2005 Pleasanton, CA

Duties: Prunty was engaged to define the business telecommunications and call center requirements for this multi-site network company. After completing the business requirements, CCPro developed a request for proposal for a new enterprise system, solicited vendor proposals, evaluated proposals and assisted in the selection of a new Voice over IP telephone system.

From: 2007 **Duke Energy**

To: 2007 Charlotte, NC

Duties: Prunty was engaged to assist client in development of a call center consolidation strategy relating to the merger of Duke Energy and Cinergy.

From: 2004 **Harley-Davidson Financial Services**
To: 2005 Carson City, NV
Duties: CCPro was retained to develop methods by which the current call center performance could be substantially improved. A detailed evaluation of current call center methods, processes and technologies was conducted and a variety of recommendations were identified.

Litigation Support Experience

Date: 2009 **Allen Dyer Doppelt Milbrath & Gilchrist, PA (Orlando, FL)**
Case Connexions v. Physicians United Plan
Project: Functioned as an expert witness on the side of Defendant. Activities included: Analysis of documents; Evaluation of call center performance reports and recorded calls; Preparation of expert witness report.
Status: Arbitration settled

Date: 2008 **Kiesel Boucher & Larson (Beverly Hills, CA)**
Case Nikki Goldberg v. eTrade
Project: Class Action against large financial services firm regarding call monitoring and recording. Acted as expert witness on behalf of Plaintiff. Analysis of documents; Research on call center recording and monitoring systems; Interview with client and Plaintiff personnel.
Status: Settled before going to court

Date: 2003 **Hammer Ferretti & Schiavone (Martinsburg, WV)**
Case ICT Group Class Action
Project: Class Action against Teleservices (call center outsourcing) firm. Acted as expert consultant of behalf of the Plaintiff. Analysis of documents; Strategy meetings with litigation team; Preparation of expert report.
Status: Action settled in favor of Plaintiff

Date:
Case Civil suit between two (2) telecommunications firms relating to accidental destruction of a major utility cable.
Project: Acted as expert witness on behalf of the Defendant. Analysis of documents; Strategy meetings with litigation team; Depositions.
Status: Suit settled in favor of the Defendant

Date:
Case Civil suit between an employee and a large, financial services company over access to 911 emergency services from within call center.
Project: Acted as expert witness on behalf of the Defendant. Analysis of court documents; Preparation of expert report.

Status: Suit settled in favor of the Defendant

Education

<u>Year</u>	<u>College/University</u>
1968 - 1970	University of Missouri, St. Louis

Publications

- Developing the Right IP Contact Center Mindset, August 2006
- The Customer Focused Contact Center, August 2006
- "Creating Your Web-Enabled Call Center," Call Center Management Review, January 1999
- "Y2K Telephone Calls-Prepare for the Tidal Wave," Business Communications Review, July 1999
- "CTI and the Web-Enabled Call Center," Business Communications Review, February 1998
- "Ten Ways the Internet Will Change the Call Center," Business Communications Review, June 1998
- "Web-Enabled Call Center – Has it Crossed the Chasm?" Business Communications Review Supplement, October 1998
- The Strategic Call Center (White Paper), December 1997

Speaking Engagements

- Speaker—IMPACT 2007, The Contact Center of the Future. The Technology Pillars that Enable Contact Center Transformation."
- Speaker—ACCE Conference, 2006, "Analyze This. How to Assess a Contact Center Like a Seasoned Consultant."
- Speaker—ICCM Conference, 2006, "How IP Telephone Enables Contact Center Transformation."
- Keynote Speaker—Telenor User Conference, Oslo, Norway
- October, 2002 Keynote Speaker – Call Center Demo and Conference, Orlando, FL, May 2001

- Keynote Speaker—CallCenterWorld 2000, Berlin, Germany
- Keynote Speaker—Call Centre Solutions Canada, Toronto, Canada, February 2000
- May, 1999, Keynote Speaker—World Conference of Incoming Call Center Management-Call Centers on the Internet, Denver, 1998
- Speaker—World Conference on Incoming Call Center Management, 1992 thru 2002
- Presented to international group of call center professions on “Intelligent Management of ACD Bidding,” “How Multimedia will be used in the Call Center,” and “Visions of the Next Generation Call Center.”
- Top-rated technology speaker for 1996 conference. Speaker – Call Centre Canada, 1996 –Presented “Visions of the Next Generation Call Centre” for annual Canadian conference
- Speaker—Incoming Call Centre Management, London, UK. Billed as “...currently the best known and most popular call centre futures guru in the world...”
- Developed highly successful seminar-“The Road Ahead to the Next Generation Call Center.” Targeted to call center managers, telecommunications managers and MIS professionals, presented seminar in cities across the United States, Canada, Germany, Australia, and UK.

Professional Associations and Achievements

- Member, Society of Telecommunications Consultants and served on Board of Directors from 1990-1992
 - Honored by Call Center Magazine and given “Call Center Pioneer Award” 1999
-

EXHIBIT “B”

Excerpts from CR# 766 and CR# 771 from TWC document spreadsheet 1977

CR#	Date	Description of Change	Implementation	Effects of Not Implementing	WOM Notes	Close Date	Closure Code	Note
766	9/24/2010	Insert Pre-queue announcement onto VDN's in PACIFIC ACD - San Diego (ETS)	Find each VDN (Routing VDN) that NEEDS pre-queue announcement Insert Announcement 1877700 onto Variable 8 TEST	Customers will continue to NOT hear the announcement, therefore we are not in compliance	Pre-Queue announcement informing callers of recorded calls is missing (out of compliance)	10/1/2010	Denied	<1 2010-10-01 10:22:03 Escalated > This Change Request was denied during the review process. Refer to the voting history and/or notes for more information.
771	9/24/2010	Insert Pre-queue announcement onto VDN's in PACIFIC ACD - San Diego (ETS). THE FOLLOWING IS THE LIST OF VDN's to be changed 1876004 1876005 1876006 1876007 1876024 1876026 1876027 1876027 1876030 1876031 1876033 1876036 1876037 1876039 1876039 1876043 1876045 1876048 1876049 1876050 1876051 1876060 1876061 1876068 1876123 1878890	Find each VDN (Routing VDN) that NEEDS pre-queue announcement SPANISH 1876004 1876005 1876006 1876007 1876024 1876026 1876027 1876027 1876030 1876031 1876033 1876036 1876037 1876039 1876039 1876043 1876045 1876048 1876049 1876050 1876051 1876060 1876061 1876068 1876123 1878890 Insert Announcement 1877700 onto Variable 8 for English Insert Announcement 1897846 onto Variable 8 for Spanish TEST	Customers will continue to NOT hear the announcement, therefore we are not in compliance	None	10/6/2010	Completed Successfully	<1 2010-10-06 07:49:39 Escalated > Linked CIs have been updated.

EXHIBIT “C”

Bulk Search and Replay

Integral Search and Replay

The Verint ContactStore for Communication Manager includes a search and replay application within it. This replay mechanism is a very simple and intuitive browser-based interface, requiring the user to access it via Internet Explorer Version 5.0 or higher.

The Search and Replay application is hosted on a web server running on the recorder itself. It uses a local database of recordings to allow users to search for bulk and ad hoc recordings by:

- Call start date/time
- The name(s) and number(s) where provided of any party on the call (including ANI and/or DID where provided by the switch)
- Agent ID and name
- Call duration
- Universal Call Identifier (UCID)
- Service Name and Number (also known as Vector Directory Number, VDN)
- User defined fields supplied by external controllers

EXHIBIT “3”

Mark A. Ozzello, Esq. (CSB # 116595)
Mike Arias, Esq. (CSB #115385)
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

MIGUEL CALZADA, an individual,
on behalf of himself and others
similarly situated,

Plaintiff,

vs.

TIME WARNER CABLE LLC, A
Delaware corporation and DOES 1
through 100, Inclusive,

Defendants.

Case No.: CV 01701-DMG (JCGx)

Honorable Dolly M. Gee
Courtroom: 7

**DECLARATION OF MARK A.
OZZELLO IN SUPPORT OF
MOTION FOR CLASS
CERTIFICATION**

[Filed Concurrently with:

1. Motion for Class Certification;
2. [Proposed] Order;
3. Cited Portions of PMK
Deposition Testimony]

Hearing Date: January 6, 2012
Time of Hearing: 2:00 p.m.
Courtroom: 7

Removed on: February 25, 2011
Trial Date: None set

DECLARATION OF MARK A. OZZELLO

I, Mark A. Ozzello, declare:

1. I am an attorney at law, duly licensed to practice before the State of California. I am a partner in the firm of Arias, Ozzello & Gignac, LLP ("AOG"). I am also one of the lead counsel for the Class. I am personally familiar with the matters stated herein, and if called upon to testify, I could and would testify accordingly.

2. This Declaration is submitted in support of Plaintiffs' Motion for Class Certification.

3. As one of the attorneys with primary responsibility for this matter, I am familiar with the claims and defenses asserted herein. To the best of my knowledge, the individual class member has not initiated, nor is he currently litigating his individual claims.

4. In this matter, Class Plaintiff request the certification of a Class as follows:

"All California residents whose telephone calls to or from Time Warner Cable (TWC) were recorded by TWC without the person being notified that the calls were being recorded from January 27, 2010 to the present."

5. I am unaware of any material factual differences between the status of the proposed Class Representative and the status of any other member of the Class. I am also unaware of any unique legal and/or factual issues that must be litigated on behalf of the proposed Class Representative in this action in order to establish the liability of Defendant Time Warner Cable in this action. This matter is a prototypical class action with essentially only one claim, governed by two related statutes; i.e., California Penal Code sections 632, subdivision (a) and 637.2.

6. To my knowledge, there are no conflicts that exist between the proposed Class Representative in this action and the interests of the other members

1 of the Class that would impair the ability of the proposed Class Representative to
2 serve as the representative of the Class in this action.

3 7. In this action, my firm has diligently sought to represent the
4 interests of the proposed Plaintiff Class. We have propounded and responded
5 to discovery, appeared and taken depositions. The partners of Arias Ozzello &
6 Gignac LLP have been engaged in the representation of plaintiffs and
7 defendants in class action lawsuits in the telecommunications, insurance,
8 employment, banking, securities, consumer fraud, antitrust, and toxic tort fields
9 since 1988. During that time, the firm has collectively been involved in several
10 hundred class action cases and have been certified to act as Class Counsel in
11 the Superior Court of the State of California, the United States District Court
12 for the Central District of California, and federal district courts in various other
13 jurisdictions throughout the country, including Nebraska, Washington, and
14 New Jersey:

- 15 a. I am a partner of Arias Ozzello & Gignac LLP. I have significant
16 experience in managing and litigating cases wherein I was lead
17 counsel, co-lead counsel or a Member of an executive committee
18 tasked with the role of organizing and coordinating with a large
19 number of plaintiffs' counsel. I have engineered numerous multi-
20 seven-figure settlements, and one of my most recent trials resulted
21 in a judgment and subsequent settlement in excess of \$15 million.
- 22 b. Mr. Arias has significant experience in managing and litigating
23 cases wherein he was lead counsel, co-lead counsel or a Member of
24 an executive committee tasked with the role of organizing and
25 coordinating with a large number of plaintiffs' counsel.
- 26 c. Mr. Gignac has been actively involved in the representation of
27 plaintiffs in class action matters since 1990. As a partner in the law
28 firm of Arias Ozzello & Gignac LLP, Mr. Gignac is actively

1 engaged in the representation of plaintiffs in class actions in the
2 fields of consumer fraud, telecommunications, employment,
3 insurance, banking, and securities. Since 1990, Mr. Gignac has
4 served as court-appointed lead counsel and/or class counsel in
5 numerous cases in state courts throughout California and federal
6 district courts throughout the country.

7 8. The firm, which is "AV" rated by Martindale-Hubbell, is currently
8 prosecuting over 70 class actions in both state and federal courts.

9 9. In class action matters, the firm has obtained published appellate
10 decisions from the Ninth Circuit Court of Appeals, including *Douglas v. Talk*
11 *America, Inc.*, 495 F.3d 1062 (9th Cir. 2007); *Lozano v. AT&T Wireless*
12 *Services, Inc.*, 504 F.3d 718 (9th Cir. 2007); and California's Court of Appeal,
13 including *Laliberte v. Pacific Mercantile Bank*, 147 CAL.APP.4th 1, 53
14 CAL.RPTR.3d 745 (2007); *Ghazarian v. Diva Limousine, Ltd.*, (2008) 160 CAL.
15 APP.4th 1524; *Olvera v. El Pollo Loco, Inc.* (2009) 173 CAL.APP. 4th 447; and,
16 *Gomez v. Lincare, Inc.* (2009) 173 CAL.APP. 4th 508.

17 10. Pursuant to even the incomplete records produced by Defendant, there
18 are at least tens of thousands of class members.

19 11. Attached to the Compendium of Exhibits, as EXH. "A" is:
20 Plaintiff's Notice of Deposition of Time Warner Cable's Person Most
21 Knowledgeable and Request for Production of Documents.

22 I declare under penalty of perjury under the laws of the State of
23 California that the foregoing is true and correct and that this declaration was
24 executed by me on this 18th day of November, 2011, at Los Angeles,
25 California.

26
27 
28 MARK A. OZZELLO, declarant

EXHIBIT “A”

1 Mike Arias, Esq. (SBN 115385)
2 Mark A. Ozzello (SBN 116595)
3 **ARIAS OZZELLO & GIGNAC LLP**
4 6701 Center Drive West, Suite 1400
5 Los Angeles, California 90045
6 Telephone: (310) 670-1600
7 Facsimile: (310) 670-1231
8 marias@aogllp.com
9 mozzello@aogllp.com
10 [Additional Plaintiff's counsel listed
11 on signature page]

12 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

11 MIGUEL CALZADA, et al.,
12 Plaintiffs,

13 vs.

14 TIME WARNER CABLE LLC et al.,
15 Defendants.

Case No.: CV 01701-DMG (JCGx)

Honorable Dolly M. Gee
Courtroom: 7

**PLAINTIFF'S NOTICE OF
DEPOSITION OF TIME
WARNER CABLE, LLC'S
PERSON(S) MOST
KNOWLEDGEABLE AND
REQUEST FOR PRODUCTION
OF DOCUMENTS TO
DEFENDANT TIME WARNER
CABLE LLC (SET TWO)**

**Date: Oct. 26, 2011
Time: 10:00 a.m.**

Removed: February 25, 2011
Trial date: None Set

To Defendant, Time Warner Cable, LLC, and its attorneys of record:

Under Federal Rules of Civil Procedure, rule 30, Plaintiff will take the deposition of Defendant Time Warner Cable, LLC, at the Law Offices of Arias Ozzello & Gignac, 6701 Center Drive West, Suite 1400, Los Angeles, California, 90045, on October 26, 2011 beginning at 10:00 a.m. Because it is not a natural person, Plaintiff requests, under Federal Rules of Civil Procedure,

1 rule 30(b)(6), that Defendant Time Warner Cable, LLC designate and produce
2 at the deposition those of its officers, directors, managing agents, employees,
3 or agents who are most knowledgeable to testify on its behalf about the
4 following matters to the extent of any information known or reasonably
5 available to the deponent:

6 1. The types, model numbers, and dates of installation of all
7 Automatic Call Distribution Systems (ACD) used by Time Warner Cable, LLC
8 (TWC) in TWC-owned, controlled, or contracted call centers that received or
9 responded to calls originating to or from California during the period of time
10 from January 27, 2010 the present (the Class Period).

11 2. All work orders, change requests, programming changes, or any
12 other documents to request alterations to all Automatic Call Distribution
13 Systems (ACD) used by Time Warner Cable, LLC (TWC) in TWC-owned,
14 controlled, or contracted call centers that received or responded to calls
15 originating to or from California during the period of time from the Class
16 Period.

17 3. The identities of any and all individuals or entities that performed
18 any work orders, change requests, programming changes, or any other
19 documents to request alterations to all Automatic Call Distribution Systems
20 (ACD) used by Time Warner Cable, LLC (TWC) in TWC-owned, controlled,
21 or contracted call centers that received or responded to calls originating to or
22 from California during the period of time from the Class Period.

23 4. The types, model numbers, and dates of installation of all
24 Interactive Voice Response (IVR) systems, (sometimes also described as
25 Voice Response Units (VRU) (or any other system type used for the purpose of
26 providing callers with incoming call routing menu options and instructions)
27 (collectively referred to as "IVR") employed in TWC-owned, controlled, or
28 contracted call centers that received or responded to calls originating to or
from California during the Class Period.

1 5. All work orders, change requests, programming changes, or any
2 other documents to request alterations to any IVR systems, issued at any time
3 during the Class Period employed in TWC-owned, controlled, or contracted
4 call centers that received or responded to calls originating to or from
5 California during the Class Period.

6 6. The identities of any and all individuals or entities that performed
7 any work orders, change requests, programming changes, or any other
8 documents to request alterations to any IVR systems, issued at any time during
9 the Class Period employed in TWC-owned, controlled, or contracted call
10 centers that received or responded to calls originating to or from California
11 during the Class Period.

12 7. All IVR menu scripts, programming instructions, menu
13 illustrations, or other documentation used to define the menu structure, its
14 recorded messages, and its operation employed at any time in TWC-owned,
15 controlled, or contracted call centers that received or responded to calls
16 originating to or from California during the Class Period.

17 8. All work orders, change requests, programming changes, or any
18 other documents to request alterations to the IVR menu, issued at any time
19 during the Class Period for each and every unique toll-free or local telephone
20 number used by TW customers for telephone calls originating to or from
21 California.

22 9. The identities of any and all individuals or entities that performed
23 any work orders, change requests, programming changes, or any other
24 documents to request alterations to the IVR menu issued at any time during the
25 Class Period for each and every unique toll-free or local telephone number
26 used by TW customers for telephone calls originating to or from California.

27 10. All original audio files (e.g., .wav, .wma, etc.) used in the IVR
28 menu, including the specific recording used to provide callers with notification
of recording operation employed at any time in TWC-owned, controlled, or

1 contracted call centers that received or responded to telephone calls originating
2 to or from California during the Class Period.

3 11. The types, model numbers, and dates of installation of all Quality
4 Monitoring and Recording Systems (or any other systems used for the purpose
5 of recording incoming or outgoing customer telephone calls) employed at any
6 time in TWC-owned, controlled, or contracted call centers that received or
7 responded to telephone calls originating to or from California during the Class
8 Period.

9 12. The types, model numbers, and dates of installation of all
10 Outbound Dialers (or any other systems used for the purpose of automatically
11 placing outgoing telephone calls to customers) at any time by TWC on its
12 premises, or in TWC-owned, controlled, or contracted call centers that
13 received or responded to telephone calls originating to or from California
14 during the Class Period.

15 13. The scripts, training materials, or other documentation used to
16 train or instruct TWC employees or its third-party contractors during the Class
17 Period to provide notification to callers that outbound telephone calls would be
18 recorded.

19 14. The names, addresses, telephone numbers, and responsibilities of
20 any third party engaged in placing or receiving telephone calls from TWC
21 customers originating to or from California during the Class Period.

22 15. All audio recording files for incoming customer telephone calls for
23 all TWC departments or third party contractors for the period of January 31,
24 2010 through February 6, 2010.

25 16. All audio recording files for outgoing customer telephone calls for
26 all TWC departments or third party contractors for the period of January 31,
27 2010 to February 6, 2010.

28 Plaintiff also requests under Federal Rules of Civil Procedure, rules
30(b)(2) and 34, that TWC and its persons most knowledgeable produce the

1 following documents and tangible things in their possession, custody, or control at
2 the deposition. The term "documents" as used in these requests has the same
3 meaning as the term "documents" used in Federal Rules of Civil Procedure, Rule
4 34(a), and includes, without limitation, electronically stored information,
5 writings, drawings, graphs, charts, photographs, sound recordings, images and
6 other data compilations stored in any medium from which information can be
7 obtained, translated into reasonably usable form. This term shall also include any
8 metadata reflecting whether a document has been altered or modified during the
9 Class Period. The term Class Period in these requests means the period of time
10 from January 27, 2010 to the present. The terms "REFER TO," "REFERRING TO,"
11 "RELATE TO" and "RELATING TO" in these requests mean and include, but are
12 not limited to, anything referring to, relating to, regarding, associated with, similar
13 to, incorporating, embodying, containing, in connection with, in conjunction with,
14 supporting, or contradicting the specified item. The term TWC in these requests
15 means and refers to Time Warner Cable, LLC.

16 33. All documents related to the types, model numbers, and dates of
17 installation of all Automatic Call Distribution Systems (ACD) used by TWC in
18 TWC-owned, controlled, or contracted telephone call centers that received or
19 responded to telephone calls originating to or from California during the Class
20 Period.

21 34. All documents related to all work orders, change requests,
22 programming changes, or any other documents to request alterations to all
23 Automatic Call Distribution Systems (ACD) used by Time Warner Cable, LLC
24 (TWC) in TWC-owned, controlled, or contracted call centers that received or
25 responded to calls originating to or from California during the period of time from
26 the Class Period.

27 35. All documents related to the identities of any and all individuals or
28 entities that performed any work orders, change requests, programming changes,

1 or any other documents to request alterations to all Automatic Call Distribution
2 Systems (ACD) used by Time Warner Cable, LLC (TWC) in TWC-owned,
3 controlled, or contracted call centers that received or responded to calls originating
4 to or from California during the period of time from the Class Period.

5 36. All documents related to the types, model numbers, and dates of
6 installation of all IVR systems employed in TWC-owned, controlled, or contracted
7 call centers that received or responded to telephone calls originating to or from
8 California during the Class Period.

9 37. All documents related to all work orders, change requests,
10 programming changes, or any other documents to request alterations to any IVR
11 systems, issued at any time during the Class Period employed in TWC-owned,
12 controlled, or contracted call centers that received or responded to calls originating
13 to or from California during the Class Period.

14 38. All documents related to the identities of any and all individuals or
15 entities that performed any work orders, change requests, programming changes,
16 or any other documents to request alterations to any IVR systems, issued at any
17 time during the Class Period employed in TWC-owned, controlled, or contracted
18 call centers that received or responded to calls originating to or from California
19 during the Class Period.

20 39. All documents related to all IVR menu scripts, programming
21 instructions, menu illustrations, or other documentation used to define the
22 menu structure, its recorded messages, and its operation employed at any time
23 in TWC-owned, controlled, or contracted call centers that received or
24 responded to telephone calls originating to or from California during the Class
25 Period.

26 40. All documents related to all work orders, change requests,
27 programming changes, or any other documents to request alterations to the
28 IVR menus, issued at any time during the Class Period for each and every

1 unique toll-free or local telephone number used by TW customers for
2 telephone calls originating to or from California.

3 41. All documents related to the identities of any and all individuals or
4 entities that performed any work orders, change requests, programming
5 changes, or any other documents to request alterations to the IVR menu, issued
6 at any time during the Class Period for each and every unique toll-free or local
7 telephone number used by TW customers for telephone calls originating to or
8 from California.

9 42. Electronic copies of all original audio files (e.g., .wav, .wma, etc.)
10 used in the IVR menu, including the specific recording used to provide callers
11 with notification of recording operation employed at any time in TWC-owned,
12 controlled, or contracted call centers that received or responded to telephone
13 calls originating to or from California during the Class Period.

14 43. All documents related to the types, model numbers, and dates of
15 installation of all Quality Monitoring and Recording Systems employed at any
16 time in TWC-owned, controlled, or contracted call centers that received or
17 responded to telephone calls originating to or from California during the Class
18 Period.

19 44. All documents related to the types, model numbers, and dates of
20 installation of all Outbound Dialers at any time by TWC on its premises, or in
21 TWC-owned, controlled, or contracted call centers that received or responded
22 to telephone calls originating to or from California during the Class Period.

23 45. All documents relating to the scripts, training materials, or other
24 documentation used to train or instruct TWC employees or its third-party
25 contractors to provide notification to callers during the Class Period that
26 outbound telephone calls would be recorded.

27 46. All documents related to the names, addresses, telephone numbers,
28 and responsibilities of any third party engaged in placing or receiving
telephone calls from TWC customers originating to or from California during

1 the Class Period.

2 47. All audio recording files for incoming customer telephone calls for
3 all TWC departments or third party contractors for the period of January 31,
4 2010 through February 6, 2010.

5 48. All audio recording files for outgoing customer telephone calls for
6 all TWC departments or third party contractors for the period of January 31,
7 2010 through February 6, 2010.

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9 Dated: September 26, 2011 Law Offices of David R. Greifinger

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12 Attorney for Plaintiff
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ARIAS OZZELLO & GIGNAC LLP

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the State of California, County of Los Angeles. I am over the age of 18 and not a party to the within suit; my business address is 6701 Center Drive West, Suite 1400, Los Angeles, California 90045.

On **September 26, 2011**, I served the foregoing document described as **PLAINTIFF'S NOTICE OF DEPOSITION OF TIME WARNER CABLE, LLC'S PERSON(S) MOST KNOWLEDGEABLE AND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT TIME WARNER CABLE LLC** on the interested parties in this action by sending ☐ the original [or] ☒ a true copy thereof ☒ to interested parties as follows [or] ☐ as stated on the attached service list:

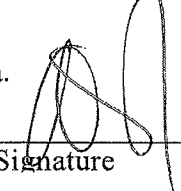
SEE ATTACHED SERVICE LIST

- ☒ **BY MAIL (enclosed in a sealed envelope):** I deposited the envelopes for mailing in the ordinary course of business at Los Angeles, California. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice, the sealed envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.
- ☐ **BY FAX:** I hereby certify that this document was served by facsimile delivery on the parties listed herein at their most recent fax number of record in this action from Los Angeles, California.
- ☒ **BY E-MAIL:** I hereby certify that this document was served by e-mail delivery on the parties listed herein at their most recent e-mail addresses of record in this action.
- ☐ **BY PERSONAL SERVICE (enclosed in a sealed envelope):** I delivered such envelope by hand to the offices of the addressees named herein.
- ☐ **BY EXPRESS MAIL VIA U.S.P.S. FOR NEXT BUSINESS DAY DELIVERY (enclosed in a sealed envelope):** I deposited the envelope for mailing in the ordinary course of business at Los Angeles, California. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice, the "Express Mail" envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **September 26, 2011** at Los Angeles, California.

Ashley Hart
Type or Print Name


Signature

ARIAS OZZELLO & GIGNAC LLP

SERVICE LIST

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*Attorney for Plaintiffs,
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EXHIBIT “4”

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION

MIGUEL CALZADA,

Plaintiff,

v.

TIME WARNER CABLE LLC, and DOES 1
through 100, Inclusive,

Defendants.

CASE NO. 2:11-cv-01701-DMG-JCG

**DECLARATION OF DAVID
GREIFINGER IN SUPPORT OF
MOTION FOR CLASS CERTIFICATION**

Hearing Date: January 6, 2012

Time of Hearing: 2:00 p.m.

Courtroom: 7

DECLARATION OF DAVID R. GREIFINGER

I, David R. Greifinger, declare as follows:

1. I have personal knowledge of the matters stated herein. If called as a witness, I could and would testify truthfully and competently thereto under oath.

2. I am admitted and licensed to practice before all of the courts of the State of California. I am a member in good standing of the California State Bar.

3. I am the principal in the Law Offices of David R. Greifinger, one of the law firms

1 representing class plaintiff Miguel Calzada ("Plaintiff") in this action.

2 4. I submit this declaration in support of the Motion for Preliminary Class
3 Certification and Approval of Settlement filed on behalf of Plaintiffs in this action.

4 5. I have been engaged in representing plaintiffs in class-action lawsuits in the
5 consumer fraud, telecommunications, insurance, employment, civil rights, and toxic tort fields
6 since 2000. During that time, I have been involved in the representing plaintiffs in about 15
7 different class action cases in state and federal court and have been certified to act as Class
8 Counsel in the Superior Court of the State of California.

9 6. I am ready, willing and able to commit the resources – both human and financial –
10 that are required to litigate this case vigorously on behalf of the Class. I already have committed
11 significant time and effort to the research, investigation and discovery conducted to date in this
12 action, and we will continue to do so as the case progresses.

13 7. Based upon the foregoing, I respectfully request that the Court appoint me as one of
14 the Class Counsel in this action.

15 I declare under penalty of perjury, under the laws of the United States of America and the
16 State of California, that the foregoing is true and correct.

17 Executed this 11th day of November 2011, at Santa Monica, California.

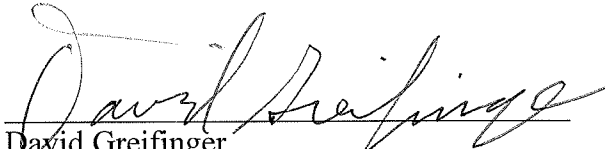
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20 David Greifinger

EXHIBIT “5”

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8 Attorneys for Plaintiffs

9
10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA—WESTERN DIVISION**

12
13 MIGUEL CALZADA,

14 Plaintiff,

15 v.

16 TIME WARNER CABLE LLC, and DOES 1
through 100, Inclusive,

17 Defendants.

CASE NO. 2:11-cv-01701-DMG-JCG

**DECLARATION OF HOWARD
GOLDSTEIN IN SUPPORT OF MOTION
FOR CLASS CERTIFICATION**

Hearing Date: January 6, 2012

Time of Hearing: 2:00 p.m.

Courtroom: 7

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21 **DECLARATION OF HOWARD A. GOLDSTEIN**

22 I, Howard A. Goldstein, declare as follows:

23 1. I have personal knowledge of the matters stated herein. If called as a witness, I
24 could and would testify truthfully and competently thereto under oath.

25 2. I am admitted and licensed to practice before all of the courts of the State of
26 California. I am a member in good standing of the California State Bar.

27 3. I am the principal in the Law Offices of Howard A. Goldstein, one of the law firms
28 representing class plaintiff Miguel Calzada ("Plaintiff") in this action.

1 4. I submit this declaration in support of the Motion for Preliminary Class
2 Certification and Approval of Settlement filed on behalf of Plaintiffs in this action.


3 5. I have been engaged in representing plaintiffs in class-action lawsuits in the
4 consumer fraud, telecommunications, insurance, employment, civil rights, and toxic tort fields
5 since 2000. During that time, I have been involved in the representing plaintiffs in about 15
6 different class action cases in state and federal court and have been certified to act as Class
7 Counsel in the Superior Court of the State of California.

8 6. I am ready, willing and able to commit the resources – both human and financial –
9 that are required to litigate this case vigorously on behalf of the Class. I already have committed
10 significant time and effort to the research, investigation and discovery conducted to date in this
11 action, and we will continue to do so as the case progresses.

12 7. Based upon the foregoing, I respectfully request that the Court appoint me as one of
13 the Class Counsel in this action.

14 I declare under penalty of perjury, under the laws of the United States of America and the
15 State of California, that the foregoing is true and correct.

16 Executed this 16th day of November 2011, at Sherman Oaks, California.

17
18 
19 Howard Goldstein